

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	CR. NO. 1:06CR101-MHT
)	
MATTHEW OKONKWO)	
)	
)	

United States' Proposed Supplemental Jury Instruction

The United States of America, by and through Leura Garrett Canary, United States Attorney for the Middle District of Alabama requests that the following Proposed Supplemental Jury Instruction be given to the jury in the above case. The United States, however, respectfully reserves the right to submit additional requests as developments in this case may warrant.

Respectfully submitted this 1st day of November, 2006.

LEURA G. CANARY
UNITED STATES ATTORNEY

/s/ Andrew O. Schiff
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Certificate of Service

I hereby certify that on November 1, 2006, I hand delivered and electronically filed the attached with the Clerk of Court, using the CM/ECF system, which will send notification of such filing to Ben E. Bruner, Esq.

Respectfully submitted,

LEURA G. CANARY
UNITED STATES ATTORNEY

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SUPPLEMENTAL JURY INSTRUCTION NO. 1

SEPARATELY TRIED CO-CONSPIRATORS

Jonathan Adewunmi and Matthew Okonkwo were charged in a single indictment. Mr. Adewunmi is not on trial. This does not matter. There is no requirement that all members of a conspiracy be tried together in one proceeding. Also keep in mind that whether anyone else should be convicted for this crime is not a proper matter for you to consider. The possible guilt of others is no defense to a criminal charge. Your job is to decide if the government has proved this defendant guilty. Do not let the possible guilt of others influence your decision in any way.¹

¹The proposed instruction is based on Sixth Circuit Pattern Instruction Nos. 2.01(3) and 3.06(1) (2005 ed.) (available at http://www.ca6.uscourts.gov/internet/crim_jury_insts.htm). Defendant has injected this issue into the case, asking rhetorically in his opening statement “where’s Jonathan,” and asking several witnesses about Adewunmi’s whereabouts.